IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

OP.No. 8217 of 2000(C)

PETITIONER:

K.SATHYAVRITHAN, EX.G.S.O.35434 Y FPTR,
SATHYABHAVAN, ELIPPAKKULAM P.O.,
ALAPPUZHA (DIST.)

BY ADV. SRI.K.HARILAL

RESPONDENTS:
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1. **UNION OF INDIA, REPRESENTED BY THE SECRETARY,**
   MINISTRY OF DEFENCE, NEW DELHI – 11.

2. **THE COMMANDER,**
   HQ 755 BRTF, C/O. 99 APO.AGARTHALA, THRIPURA.

3. **DIRECTOR GENERAL,**
   BORDER ROADS, HQ DGVR,
   KASHMIR HOUSE, NEW DELHI – 11.

BY ADV. SRI.RAJIT
SRI.K.M.JAMALUDHEEN, ADDL.CGSC

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 24/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF GENERAL PROVIDENT FUND ANNUAL STATEMENT OF ACCOUNT OF PETITIONER DURING THE YEAR 84-85, 85, 86 & 86-87.

EXT.P2: COPY OF REGISTERED LETTER OF 2ND RESPONDENT DTD. 9/03/1998.

EXT.P3: COPY OF REPRESENTATION DTD. 19/03/1998 SUBMITTED BY PETITIONER BEFORE 2ND RESPONDENT.

EXT.P4: COPY OF LAWYER'S NOTICE DTD. 7/07/1999 TO THE 2ND RESPONDENT.

EXT.P5: COPY OF COMMUNICATION DTD. 16/07/1999 FROM 2ND RESPONDENT TO THE PETITIONER.

1ST RESPONDENT'S EXHIBITS:

EXT.R1(A): COPY OF THE LETTER DTD. 29/01/1998.

EXT.R1(B): COPY OF THE LETTER DTD. 9/03/1998.

EXT.R1(C): COPY OF THE LETTER DTD. 19/03/1998.

EXT.R1(D): COPY OF THE LETTER DTD. 1/05/1998.

EXT.R1(E): COPY OF THE LETTER DTD. 18/06/1998.

EXT.R1(F): COPY OF THE LETTER DTD. 22/07/1998.

EXT.R1(G): COPY OF THE LETTER DTD. 18/08/1998.

EXT.R1(H): COPY OF THE LETTER DTD. 29/01/1998.

EXT.R1(I): COPY OF THE LETTER DTD. 20/09/1998.

EXT.R1(J): COPY OF THE LETTER DTD. 9/10/1998.

EXT.R1(K): COPY OF THE LETTER DTD. 22/10/1998.

EXT.R1(L): COPY OF THE LETTER DTD. 31/10/1998.

EXT.R1(M): COPY OF THE LETTER DTD. 11/12/1998.

EXT.R1(N): COPY OF THE LETTER DTD. 22/12/1998.

EXT.R1(O): COPY OF THE LETTER DTD. 1/03/1999.

EXT.R1(P): COPY OF THE LETTER DTD. 29/04/1999.

EXT.R1(Q): COPY OF THE LETTER DTD. 7/07/1999.

EXT.R1(R): COPY OF THE LETTER DTD. 16/07/1999.

/TRUE COPY/

P.A.TO JUDGE

KSS

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.8217 OF 2000

Dated this the 24th day of July, 2007

JUDGMENT

The petitioner availed a loan from the GPF account. It is admitted that the said amount was repaid also. As is apparent from paragraphs 7 and 9 of the counter affidavit, while the respondents admit having made the deductions, the impugned deduction of Rs.17,601/- has been made from the final payment because the departmental files do not show that the amount deducted from the petitioner was credited through CCO-09 during the relevant year. That is not a matter for which the petitioner can be blamed.

Under such circumstances, for the aforesaid reasons, this writ petition is allowed directing that an amount of Rs.17,601/- with 8½% interest thereon from 1.3.1998 till the date of disbursal will be released to the petitioner. The said amount including interest shall be paid to the petitioner within an outer

limit of three months from the date of receipt of a copy of this judgment.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.8217 OF 2000

JUDGMENT

24TH JULY, 2007.

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